

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

FILED
ASHEVILLE, N.C.

FEB 10 2011

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA

Plaintiff,

v.

JODY S. BALL, individually, and doing
business as Jody Ball Accounting, and THE
TAX LADY, INC.,

Defendants.

Civil Action No. 2:10-cv-00026-MR-DLH

STIPULATED ORDER OF PERMANENT INJUNCTION

Plaintiff, the United States of America, and defendants, Jody S. Ball ("Ball"), individually, and doing business as Jody Ball Accounting and The Tax Lady, Inc., stipulate as follows:

1. The United States filed a complaint alleging that defendants prepared tax returns which understated their customers' tax liabilities by including, *inter alia*, personal expenses improperly deducted as business expenses, unsubstantiated business expenses deducted with little or no consultation with clients, improper charitable deductions, incorrect and inconsistent filing statuses, claims for unallowable earned income credits, claims for non-qualifying dependent exemptions, and improper claims for non-existent losses.

2. Defendants admit that this Court has jurisdiction over them and over the subject matter of this action.

3. Defendants waive the entry of findings of fact and conclusions of law under Federal Rule of Civil Procedure 52 and 26 U.S.C. §§ 7402, 7407 and 7408.

4. Defendants enter into this Stipulated Order of Permanent Injunction voluntarily.

5. Defendants waive any right they may have to appeal from the Stipulated Order of Permanent Injunction.

6. Defendants acknowledge that entry of this Stipulated Order of Permanent Injunction neither precludes liability (e.g. the assessment of taxes, interest, or penalties) against them for asserted violations of the Internal Revenue Code, nor precludes defendants from contesting any such liability.

7. Defendants consent to the entry of this Stipulated Order of Permanent Injunction without further notice and agree that this Court shall retain jurisdiction over them for the purpose of implementing and enforcing this Stipulated Order of Permanent Injunction. Defendants further understand that if they violate this Stipulated Order of Permanent Injunction, they may be found to be in contempt of court and may be sanctioned for that.

WHEREFORE, the Court hereby FINDS, ORDERS, and DECREES:

A. The Court has jurisdiction over this action under 28 U.S.C. §§ 1340 and 1345 and under 26 U.S.C. §§ 7402, 7407 and 7408.

B. Defendants consent to the entry of this injunction and agree to be bound by its terms.

C. Ball, in her own capacity and doing business under any other name or using any other entity, and all persons in active concert or participation with her, are permanently enjoined under 26 U.S.C. §§ 7402, 7407 and 7408 from, directly or indirectly:

- i. Acting as federal tax return preparers by preparing or filing, or assisting in the preparation or filing of any federal tax returns for any other person or entity, either individually or through an entity, inclusive of The Tax Lady, Inc. or Jody Ball Accounting;

- ii. Assisting or advising anyone in connection with any tax matter;
- iii. Having an ownership interest in or working for (either as an employee or independent contractor) any entity that prepares tax returns or represents clients before the Internal Revenue Service;
- iv. Organizing or selling plans, or arrangements that advise or encourage taxpayers to attempt to evade the assessment or collection of their correct federal tax;
- v. Engaging in any other activity subject to penalty under I.R.C. §§ 6694, 6695, 6700, or 6701;
- vi. Engaging in conduct that substantially interferes with the proper administration and enforcement of the internal revenue laws and from promoting any false tax scheme; and
- vii. Representing anyone before the IRS.

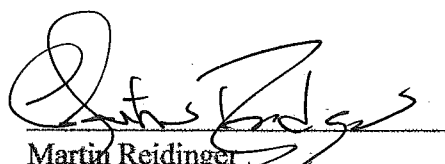
D. IT IS FURTHER ORDERED that defendants mail an executed copy of this Stipulated Order of Permanent Injunction to all persons for whom they have prepared a federal tax return or form since January 1, 2007. Defendants must mail the copies within 60 days of the date of this order and must, within 5 days thereafter, file with the Court a sworn certificate stating that they have complied with this requirement. The mailings shall include a cover letter in a form agreed to by counsel for the United States or approved by the Court, and shall not include any other documents or enclosures except those specifically mentioned herein.

E. IT IS FURTHER ORDERED that defendants produce to counsel for the United States within 30 days of the date of this order a list that identifies by name, social security number, address, e-mail address, telephone number, and tax period(s) all persons from whom they prepared federal tax returns, forms, or claims for refund since January 2007.

F. IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this injunction and the United States is permitted to engage in post-judgment discovery in accordance with the Federal Rules of Civil Procedure to ensure compliance with this permanent injunction.

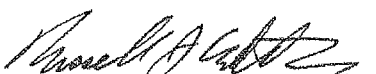
IT IS SO ORDERED

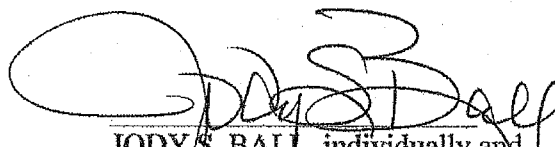
Signed this 9th day of February, 2011.



Martin Reidinger
United States District Judge

Consented to and submitted by,

ANNE M. TOMPKINS
United States Attorney


RUSSELL J. EDELSTEIN
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 7238
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-2704
Facsimile: (202) 514-6770
russell.j.edelstein@usdoj.gov


JODY S. BALL, individually and
doing business as Jody Ball
Accounting and The Tax Lady, Inc.


LUKE D. HYDE
Attorney for Defendants
Post Office Box 1999
Bryson City, N.C. 28713
Telephone: (828) 488-1234
Facsimile: (828) 488-0488
innkeepernc@gmail.com